

BETWEEN:

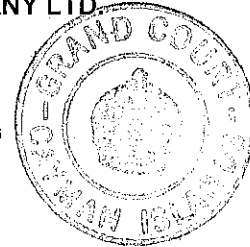
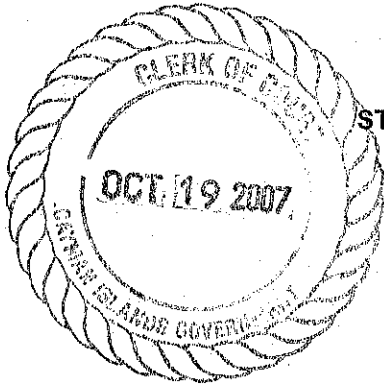
RESORT WATERSCAPES LTD.

Plaintiff

and

STINGRAY CONSTRUCTION COMPANY LTD.

Defendant



ORIGINATING
SUMMONS

LET THE DEFENDANT of Clifton House, 75 Fort Street, George Town, Grand Cayman, Cayman Islands, attend before the Judge in Chambers at the Law Courts, George Town, Grand Cayman on the day of 2007 at or as soon thereafter as Counsel may be heard, on the hearing of an application by Resort Waterscapes Ltd. of 1 Cayman Financial Centre, 36A, Dr. Roy's Drive, PO Box 2510GT, Grand Cayman, Cayman Islands (the "**Plaintiff**") for the following Orders:-


1. That Stingray Construction Company Ltd. (the "**Defendant**") be restrained and prevented, whether by itself, or by its servants or agents or otherwise howsoever, from:
 - 1.1 taking any steps whatsoever to continue, proceed with and/or to commence an Arbitration pursuant to a Demand for Arbitration in the matter of Stingray Construction Company Ltd. (as Claimant) and Resort Waterscapes Ltd. (as Respondent) dated 17 October 2007 (the "**Demand for Arbitration**");
 - 1.2 taking any steps whatsoever to proceed with and/or to commence Arbitration Proceedings whether in the Cayman Islands or elsewhere in connection with (1) the matters set out in the Statutory Demand issued by the Plaintiff dated 27 September 2007 pursuant to Section 95 of the Companies Law (2007 Revision) and served on the Plaintiff on 28 September 2007 (the "Statutory Demand") and/or (2) for the determination of any issue relating to the liability of the

Defendant to make payment of the monies subject to and specified in the Statutory Demand; and

2. That the Defendant's application in paragraph 1.2 of its Originating Summons filed on 19 October 2007 be dismissed on the grounds that the application is *res judicata* pursuant to the Order of this Honourable Court in Cause No. 97 of 2006 dated 17 March 2006;
3. A Declaration and Order that the Demand for Arbitration is null and void and of no effect;
4. A Declaration and Order that any proceedings commenced by the Demand for Arbitration be stayed until further Order of this Honourable Court;
5. Such further Order, Direction and/or other Relief as Counsel may advise and that this Honourable Court may deem just and appropriate; and
6. The costs of this application be paid by the Defendant to the Plaintiff.

AND LET THE DEFENDANT within 14 days after service of this Summons on it, counting the day of service, or not later than the next day but one before the date fixed above for the hearing of this Summons, whichever shall be the sooner, return the accompanying Acknowledgment of Service to the Courts Office, PO Box 495, George Town, Grand Cayman, Cayman Islands KY1-1106.

Dated this 19th day of October 2007



Stuarts Walker Hersant

Attorneys-at-Law for the Plaintiff

NOTES:

1. This Summons may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with the above date unless renewed by Order of the Court.
2. If a Defendant does not attend personally or by his attorney at the time and place above-mentioned such Order will be made as the Court may think just and expedient.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS**

The accompanying form of Acknowledgment of Service should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person. After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495GT, George Town, Grand Cayman.

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
4. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (the name stated on the Originating Summons)".
5. Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "Partner in the firm of (.....)" after his name.
6. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.
7. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

498
CAUSE NO: OF 2007

BETWEEN:

RESORT WATERSCAPES LTD.

PLAINTIFF

AND

STINGRAY CONSTRUCTION COMPANY LTD.

DEFENDANT

**ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS**

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

Important: Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)

yes no

Service of the Originating Summons is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

Address for service:

Notes on address for service

Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.

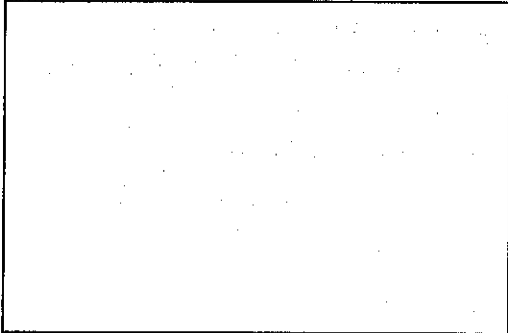
Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered principal office.

Please complete overleaf

Endorsement by Plaintiff's Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

Richard Annette
STUARTS WALKER HERSANT
Cayman Financial Centre
36A Dr. Roy's Drive
P.O. Box 2510
Grand Cayman
Cayman Islands
KY1-1104
Ref: RTWA/AA/1717

Endorsement by Defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.

A large, empty rectangular box with a black border, intended for the Defendant's Attorney to provide their name, address, and reference.